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Filing date: **03/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                            |                           |
|----------------------------|---------------------------|
| Applicant:                 | <b>Kulling, Alan</b>      |
| Application Serial Number: | <b>85351756</b>           |
| Application Filing Date:   | <b>06/21/2011</b>         |
| Mark:                      | <b>THE BYRON INN CAFE</b> |
| Date of Publication        | <b>01/17/2012</b>         |

## 60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Byron Inn Cafe, 16141 Byron Highway, P.O. Box 339, Byron, CA 94514, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to confer with counsel
- The potential opposer is engaged in settlement discussions with applicant
- *The potential opposer (#PO#), owner of Byron Inn Caf  in Byron, California, has exchanged letters with Applicant in an effort to resolve their outstanding conflicts regarding the applied-for mark. Applicant sent PO an initial cease and desist letter dated December 7, 2011, designating the letter as a #compromise offer and negotiation# under Federal Rule of Evidence No. 408. PO responded with a letter dated December 21, 2011, asserting that PO had maintained the restaurant on PO's property under the name #Byron Inn Caf # since the day he purchased the property in the 1980s, that PO personally had created signage so designating the restaurant, that the restaurant on the property had been known as the Byron Inn Caf  since the late 1920s, that PO had leased the restaurant to Applicant from 1990 to 2011, and, on that basis, that PO has #historical superior rights# to the name #Byron Inn Caf # and that Applicant's continued use the name is unauthorized. Applicant did not respond to PO's responsive letter. Thus, PO sent another letter to Applicant today, March 8, 2012, seeking to discover whether continued negotiations may be possible and informing Applicant that should Applicant fail to respond, or should the parties fail to reach an amicable resolution, PO will move forward with filing an opposition to Applicant's pending trademark application, as well as a civil lawsuit for trademark infringement, trademark dilution, cybersquatting, and breach of lease agreement that authorized Applicant's use of the name #Byron Inn Caf # during the term of the lease, among other causes of action. A draft of said complaint was attached to PO's letter for Applicant's review and consideration. However, PO would like to avoid the time and expense of litigation and formal trademark opposition, and therefore seeks this 60-day extension in an effort to pursue an informal resolution with Applicant.*

The time within which to file a notice of opposition is set to expire on 03/17/2012. Byron Inn Cafe respectfully requests that the time period within which to file an opposition be extended until 05/16/2012.

Respectfully submitted,  
/Martin Lysons/  
03/08/2012

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